



U.S. ARMY

# Southern Review

## of Legislative & Regulatory Actions



The U.S. Army Regional Environmental & Energy Office

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The *Southern Review* publishes environmental and energy related developments for DOD/Army leaders and installation staff. Covering the eight states in Federal Region 4, the *Southern Review* gives early notice of legislative and regulatory activities relevant to DOD interests. The *Southern Review* also helps installations meet ISO 14001 environmental management system requirements.

To read back issues of the *Southern Review* or other Army Regional Environmental and Energy Office *Reviews*, or to receive a monthly copy of this electronic publication, please [send an email request](#).



### TABLE OF CONTENTS

Alabama .....	2
Florida.....	2
Georgia .....	2
Kentucky .....	3
Mississippi .....	4
North Carolina .....	4
South Carolina .....	5
Tennessee .....	5
Federal Activity .....	5
DOD Activity .....	10
Professional Development .....	12
Staff Directory .....	16

### VAPOR INTRUSION

The [DOD Tri-Services Environmental Risk Assessment Workgroup](#) recently released updates, in the form of fact sheets, to its [2009 Vapor Intrusion Handbook](#). The fact sheets reflect the application of new technologies for passive sampling, monitoring, high volume sampling, and sampling in buildings.

[Fact Sheet No. 001 Rev 1](#), Passive Sampling for Vapor Intrusion Assessment, provides a high-level overview and offers reference to resources that detail the application and analysis of passive sampling for vapor intrusion.

[Fact Sheet No. 002](#), Real-Time Monitoring for Vapor Intrusion Assessment, presents potential advantages, limitations, and data quality considerations associated with real time monitoring of volatile organic compounds (VOCs) in indoor air, soil gas building pressure differentials and ventilation rates, and tracer gas concentrations.

[Fact Sheet No. 003](#), High Volume Soil Gas Sampling for Vapor Intrusion Assessment, presents potential advantages, limitations, and data quality considerations associated with assessing vapor concentrations and distributions in the subsurface, particularly beneath concrete sub-floor slabs.

[DOD Vapor Intrusion Handbook Fact Sheet Update No. 004](#), Use of Building Pressure Cycling in Vapor Intrusion Assessment, provides an alternate approach to determining long-term average or short-term concentrations due to vapor intrusion for the occupants of a building by using building pressure cycling.

For more information, including links to [Navy vapor intrusion resources](#), visit the Defense Environmental Network and Information Exchange ([DENIX](#)) website.

# Region 4

For more information or to comment on any state issue in Region 4, please contact [Dave Blalock](#), REEO-S Regional Counsel, (404) 545-5655.



## ***2017 LEGISLATIVE SESSION: 7 FEB THROUGH 22 MAY***

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**DRAFT 2018 LIST OF IMPAIRED WATERS.** The Alabama Department of Environmental Management (ADEM) is developing the 2018 Section 303(d) list and is soliciting data and information for consideration during preparation of the list. Also, ADEM is soliciting comments on Alabama's Water Assessment and Listing Methodology, which will be used to develop the 2018 Section 303(d) list. The methodology has been prepared to assist ADEM in the development of the 303(d) list and establishes minimum data requirements and assessment/listing protocols. ADEM issued [notice](#) on 27 AUG 17, and comments must be submitted no later than 25 SEP 17.

### ***FINAL RULES***

**RADIOACTIVE MATERIALS LICENSE FEES.** The Alabama Department of Public Health (ADPH) issued a notice concerning the application, inspection, and annual fees for various licenses. This notice includes [fees for radioactive materials licenses](#), which became effective 29 AUG 17. ADPH issued the notice on 11 AUG 17.



## ***2017 LEGISLATIVE SESSION: 7 MAR THROUGH 5 MAY***

There are no significant legislative or regulatory activities to report.



## ***2017 LEGISLATIVE SESSION: 9 JAN THROUGH 24 MAR***

There are no significant legislative or regulatory activities to report.

## **2017 LEGISLATIVE SESSION: 3 JAN THROUGH 30 MAR**

There are no significant legislative activities to report.

### ***PROPOSED RULES***

**HAZARDOUS WASTE REGULATIONS.** On 1 AUG 17, the Kentucky Department for Environmental Protection (KDEP) published several [proposed amendments](#) to Kentucky Administrative Regulations (KAR), Title 401, Energy and Environmental Cabinet – Department for Environmental Protection. As part of these amendments, KDEP proposes to adopt the new federal [generator improvement rule](#), which allows a hazardous waste generator to avoid increased burden of a higher generator when generating episodic waste if the waste is managed properly, and allow very small quantity generators to send their hazardous waste to a large quantity generator under the control of the same person. KDEP also proposes to establish new registration fees for hazardous waste transporters and very small quantity generators. KDEP conducted a public hearing on 24 AUG 17 and accepted written comments through 31 AUG 17.

Amendments include changes in the following KAR sections:

- [Chapter 31, Identification and Listing of Hazardous Waste.](#)
- [Chapter 32, Standards Applicable to Generators of Hazardous Waste.](#)
- [Chapter 33, Standards Applicable to Transporters of Hazardous Waste.](#)
- [Chapter 34, Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities.](#)
- [Chapter 35, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.](#)
- [Chapter 36, Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.](#)
- [Chapter 37, Land Disposal Restrictions.](#)
- [Chapter 38, Hazardous Waste Permitting Process.](#)
- Chapter 39, Hazardous Waste Fees:
  - [401 KAR 39:005.](#) Definitions for 401 KAR Chapter 39.
  - [401 KAR 39:060.](#) General requirements.
  - [401 KAR 39:080.](#) Hazardous waste handlers.
  - [401 KAR 39:090.](#) Hazardous waste permit program.
  - [401 KAR 39:100.](#) Exposure information report fee.
  - [401 KAR 39:110.](#) Registration fees.
  - [401 KAR 39:120.](#) Permit review, determination timetables, and fees.

**SPECIAL COLLECTION SYSTEM WASTES.** KDEP proposes to repeal [401 KAR Chapter 43](#), which includes regulations pertaining to the standards for special collection system wastes. These provisions have been consolidated into [401 KAR 39:080](#). KDEP conducted a public hearing on 24 AUG 17 and accepted written comments through 31 AUG 17.

**MANAGEMENT OF USED OIL.** KDEP proposes to repeal the regulations pertaining to standards for the [management of used oil](#). Specifically, this proposed rule repeals 401 KAR 44:005, 401 KAR 44:010, 401 KAR 44:020, 401 KAR 44:030,

401 KAR 44:040, 401 KAR 44:050, 401 KAR 44:060, 401 KAR 44:070, and 401 KAR 44:080. These regulations have been combined and consolidated into [401 KAR 39:080](#). KDEP conducted a public hearing on 24 AUG 17 and accepted written comments through 31 AUG 17.

**SPECIAL WASTE PERMIT-BY-RULE.** KDEP proposes to establish the requirements for a [special waste permit-by-rule](#). This rule is necessary in order to establish the requirements for special waste sites or facilities to obtain a permit compliant with [KRS 224.40-305](#). During the 2016 regular legislative session, the General Assembly passed HB 563 directing regulations to ensure the proper management of oil- and gas-related wastes containing naturally occurring radioactive material. The amendment clarifies that all pits subject to [401 KAR 5:090](#) are deemed to have a special waste permit-by-rule, and it references [805 KAR 1:110](#) rather than 401 KAR 5:090, to which injection wells are subject to for the disposal of special waste. KDEP conducted a public hearing on 22 AUG 17 and accepted written comments through 31 AUG 17.

**STANDARDS FOR SOLID WASTE FACILITIES.** KDEP proposes a rulemaking that [defines terms](#) used in the administrative regulations of 401 KAR Chapter 48 and establishes [requirements for contained landfills](#). KDEP published the proposed amendment on 1 AUG 17 and conducted a hearing on 22 AUG 17. Comments were received until 31 AUG 17.



### ***2017 LEGISLATIVE SESSION: 3 JAN THROUGH 2 APR***

There are no significant legislative activities to report.

#### ***FINAL RULES***

**CERTIFICATION OF MUNICIPAL AND DOMESTIC WASTEWATER FACILITY OPERATORS.** The Mississippi Department of Environmental Quality (MDEQ) amended the [regulation](#) to require that professional references be obtained from certified operators at the same classification or higher than the classification being requested, and to require that operators with one year of experience be under the supervision of a certified operator. The amendment also adds the requirement that a certified operator's principal residence be no more than 50 miles from any system being operated by that certified operator. It requires that operators attend an approved wastewater operator short course for the appropriate classification within 12 months prior to testing for that classification, and it allows for reciprocity to be granted any state that has entered into a reciprocity agreement with the department. MDEQ filed the [final rule](#) on 29 AUG 17, and the rule is effective 28 SEP 17.



### ***2017 LEGISLATIVE SESSION: 11 JAN THROUGH 1 JUL***

There are no significant legislative activities to report.

#### ***PROPOSED RULES***

**NPDES INDUSTRIAL GENERAL PERMIT FOR COMPOST FACILITIES.** The North Carolina Division of Energy, Mineral and Land Resources (DEMLR) invites public comment on the proposed reissue of the National Pollutant Discharge Elimination System (NPDES) Industrial General Permit for Compost Facilities. DEMLR published [notice](#) on 1 AUG 17, and the division will accept public comments until 15 SEP 17.



## ***2017 LEGISLATIVE SESSION: 10 JAN THROUGH 1 JUN***

There are no significant legislative activities to report.

### ***FINAL RULES***

**AIR POLLUTION CONTROL REGULATIONS AND STANDARDS.** The South Carolina Department of Health and Environmental Control (SCDHEC) has adopted amendments to [Regulation 61-62](#), Air Pollution Control Regulations and Standards, and the South Carolina Air Quality Implementation Plan. SCDHEC published the [final rule](#) on 25 AUG 17.



## ***2017 LEGISLATIVE SESSION: 10 JAN THROUGH 14 APR***

There are no significant legislative or regulatory activities to report.

# **Federal Activity**

## ***AIR***

**WITHDRAWAL OF DEADLINE EXTENSION FOR PROMULGATING 2015 OZONE NAAQS DESIGNATIONS.** EPA has withdrawn the previously issued one-year deadline extension for promulgating initial area designations for the ozone national ambient air quality standards (NAAQS) that were promulgated in October 2015 ([82 FR 37318](#)). Barring additional final action, the Clean Air Act (CAA) two-year deadline of 1 OCT 17 applies for promulgating designations.

**QUALITY ASSURANCE REQUIREMENTS FOR PM CONTINUOUS EMISSION MONITORING SYSTEMS AT STATIONARY SOURCES.** EPA has issued a final rule promulgating revisions to Procedure 2—Quality Assurance Requirements for Particulate Matter (PM) Continuous Emission Monitoring Systems (CEMS) at Stationary Sources ([82 FR 37822](#)). The quality assurance procedures specify the minimum requirements necessary for the control and assessment of the quality of PM CEMS data submitted to EPA and other regulatory authorities. The final rule establishes consistent requirements that meet initial acceptance requirements in Performance Specification 11 of appendix B to part 60. The final rule becomes effective on 13 SEP 17.

**NESHAP FOR OFF-SITE WASTE AND RECOVERY OPERATIONS.** EPA has issued a proposed rule to amend the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO) ([82 FR 36713](#)). The amendments would remove additional monitoring requirements for pressure relief devices on containers that resulted from the 2015 NESHAP OSWRO amendments because the agency determined that they are not necessary. According to EPA, categories and entities potentially regulated by this action include, but are not limited to, businesses or government agencies that operate any of the following: hazardous waste treatment, treatment storage and disposal facilities; Resource Conservation and Recovery Act- (RCRA) exempt hazardous wastewater treatment facilities; nonhazardous wastewater treatment facilities other than publicly owned treatment works; used solvent recovery plants; RCRA-exempt hazardous waste recycling operations; and used oil re-refineries. Comments are due 21 SEP 17.

**OZONE.** EPA has [announced](#) it will not delay the implementation of an October 2015 final rule lowering NAAQS for ground-level ozone. The rule lowered the primary and secondary NAAQS for ozone from 75 parts per billion (ppb) to 70 ppb. In June, the agency announced it was delaying the deadline for designations by one year, to 18 OCT 18. The announcement came one day after 15 states filed a [lawsuit](#) against EPA for its decision to delay the rule.

**CLEAN AIR ACT TREND REPORT.** EPA has released an annual report, [Our Nation's Air](#), on trends in the nation's air quality. The report found that since Congress passed the CAA in 1970, the economy has more than tripled and the number of vehicle miles traveled every year has nearly doubled, all while the nation's population and annual energy consumption has surged. At the same time, the levels of six key air pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide) have declined dramatically. The report details trends in criterial pollutants, regulated via NAAQS; visibility in national parks and wilderness areas, and emissions of hazardous air pollutants, also referred to as toxic air pollutants. For more information, visit EPA's [AirTrends website](#).

**APPLICABILITY DETERMINATIONS, REGULATORY INTERPRETATIONS, AND ALTERNATIVE MONITORING DECISIONS.** EPA has released applicability determinations, regulatory interpretations, and alternative monitoring decisions it has made under the New Source Performance Standards (NSPS); the NESHAP; and/or the Stratospheric Ozone Protection Program ([82 FR 36394](#)). EPA responses to inquiries regarding whether a certain action is subject to NSPS and NESHAP general provisions in 40 CFR Parts 60 and 61 are referred to as applicability determinations. EPA also issues regulatory interpretations in response to inquiries regarding the type of sources to which a regulation applies, or to the testing, monitoring, recordkeeping, or reporting requirements of a regulation. NSPS and NESHAP allow sources to seek permission to use monitoring or recordkeeping that is different from the promulgated requirements. EPA responses to these inquiries are referred to as alternate monitoring decisions. In this action, EPA announced it has added 31 documents to its [Applicability Determination Index](#) (ADI) data system. For more information about the ADI, click [here](#), and follow the ADI link under "Air."

**GHG EMISSIONS STANDARDS FOR MODEL YEAR 2022-2025 LIGHT-DUTY VEHICLES.** EPA and the National Highway Traffic Safety Administration have formally announced that they are reconsidering whether the light-duty vehicle greenhouse gas (GHG) emission standards previously established for model years 2022-2025 are appropriate ([82 FR 39551](#)). EPA intends to make a final determination regarding the appropriateness of the model year 2022-2025 standards no later than 1 APR 18. EPA also is requesting comment on whether the light-duty vehicle GHG standards established for model year 2021 remain appropriate. Comments are due by 5 OCT 17.

## ***CLIMATE CHANGE***

**U.S. NOTIFICATION OF INTENT TO WITHDRAW FROM THE PARIS AGREEMENT.** According to a United Nations (U.N.) [news report](#), in August, U.S. Mission to the United Nations notified the U.N. Secretary-General that it "intends to exercise its right to withdraw" from the Paris Agreement as soon as it is eligible to do so. The U.S. State Department simultaneously issued a [media note](#) containing additional details. The U.S. is eligible to withdraw from the Paris Agreement 4 NOV 19. This communication itself does not trigger the withdrawal process under the agreement. To learn more about the communication, click [here](#).

**ANNUAL CLIMATE REPORT.** The American Meteorological Society has [released](#) the annual report, [State of the Climate in 2016](#). The report, compiled by the National Oceanic and Atmospheric Administration's Center for Weather and Climate, is based on contributions from scientists from around the world. It provides a detailed update on global climate indicators, notable weather events, and other data collected by environmental monitoring stations and instruments located on land, water, ice, and in space.

## ***ENERGY***

**STATE ENERGY EFFICIENCY POLICIES.** According to the U.S. Energy Information Administration, as of July 2017, 30 states and the District of Columbia have adopted energy efficiency policies—either mandated requirements, voluntary goals,

or pilot programs—designed to lower the growth of electricity consumption by using electricity more efficiently. Seven of these states have either created new or updated existing energy efficiency standards within the past year. An energy efficiency resource standard (EERS) uses either financial incentives or non-performance penalties to encourage energy efficiency and reduce electricity sales. Typically, EERS targets increase over time. EERS are similar to renewable portfolio standards (RPS), which encourage the adoption of certain renewable energy technologies. Like RPS, EERS often differ in stringency and timing across states. Six states (Colorado, Illinois, Maryland, Michigan, New York, and Ohio) that initially created an EERS in 2007 or 2008 have since extended expiring targets beyond 2020. In addition, each state's targeted electricity savings is different. For more information, or to view a map of states with energy efficiency policies, click [here](#).

**2016 WIND ENERGY MARKET REPORTS.** Increased wind power capacity, additional domestic wind turbine manufacturing, and declining offshore wind development costs supported the growth and expansion of the U.S. wind power market in 2016, as detailed in [three market reports](#) released by the U.S. Department of Energy (DOE).

- [2016 Wind Technologies Market Report](#). The U.S. added 8,203 megawatts (MW) of new wind power capacity in 2016, representing 27 percent of all energy capacity additions in 2016 and bringing wind's cumulative total to over 82 gigawatts. According to DOE, wind energy continues to be sold at attractive prices through power purchase agreements, making this renewable energy source cost-competitive with traditional power sources such as natural gas in many parts of the U.S.
- [2016 Distributed Wind Market Report](#). U.S. wind turbines in distributed applications reached a cumulative installed capacity of 992 MW, from roughly 77,000 turbines spanning all 50 states plus the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.
- [2016 Offshore Wind Technologies Market Report](#). The U.S. added its first commercial offshore wind farm in 2016, located off the coast of Block Island, Rhode Island. Several states including Massachusetts, New York, and Maryland have enacted new policies or bolstered their existing policy to support the development of over 4,000 MW of offshore wind. Technology trends include siting projects further from shore, in deeper waters.

**DOE SEMIANNUAL REGULATORY AGENDA.** DOE released its [Spring 2016 semiannual regulatory agenda \(82 FR 40269\)](#). The agenda is a compilation of upcoming and ongoing regulatory activity, including a brief description of each rulemaking and a timetable for action. The agenda also includes a list of regulatory actions completed since the last agenda.

**POLICY HANDBOOK FOR DISTRIBUTED ENERGY.** The National Conference of State Legislatures [released](#) a handbook, [Here Comes the Sun — A State Policy Handbook for Distributed Solar Energy](#), intended to assist policymakers and planners that wish to tailor their state's energy policy to best leverage the opportunities offered by the rapid increase in distributed solar energy. The handbook provides tools to investigate options and practices to leverage the economic and reliability benefits of solar energy while addressing the challenges presented by a localized approach to energy generation. It covers the many options and innovative approaches that states have implemented or considered when it comes to rate design, incentives, integration, financing, regulation, and workforce development. The report also provides readers with references and resources for a deeper exploration of the topics covered.

## **MISCELLANEOUS**

**EO 13807—ADDRESSING ENVIRONMENTAL REVIEW AND PERMITTING PROCESS FOR INFRASTRUCTURE PROJECTS.** The President has issued Executive Order (EO) 13087, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure* ([82 FR 40463](#)). The EO includes requirements for: (1) the Office of Management and Budget (OMB) to establish a Cross-Agency Priority (CAP) Goal on infrastructure permitting modernization; (2) certain federal agencies to modify their strategic plans and annual performance plans under the Government Performance and Results Modernization Act of 2010 to include agency performance goals that are consistent with the new CAP Goal; (3) OMB to issue guidance for establishing a performance accountability system; (4) OMB to consider agency performance

during budget formulation and determine whether appropriate penalties should be imposed; and (5) agencies to implement best practices identified annually by the Federal Permitting Improvement Steering Council. Additionally, the EO revokes EO 13690 of 30 JAN 15, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*.

**EPA SPRING SEMIANNUAL REGULATORY AGENDA.** EPA has released its [Spring 2016 semiannual regulatory agenda \(82 FR 40347\)](#). The notice contains information about regulations in the semiannual regulatory agenda that are under development, completed, or canceled since the last agenda and plans for retrospective reviews of existing regulations.

## ***NATURAL RESOURCES***

**MIGRATORY BIRD HUNTING REGULATIONS.** The U.S. Fish and Wildlife Service (FWS) is proposing to establish annual hunting regulations for certain migratory game birds for the 2018-19 hunting season ([82 FR 36308](#)). The proposed rule provides the regulatory schedule, announces the Service Migratory Bird Regulations Committee and Flyway Council meetings, and describes the proposed regulatory alternatives for the 2018-19 duck hunting seasons. The service annually prescribes frameworks within which states may select hunting seasons. Comments are due 5 SEP 17.

**LONGLEAF PINE CONSERVATION.** The National Fish and Wildlife Foundation [announced](#) \$5.5 million in grants to support the restoration of the longleaf ecosystem in nine states. Awarded through the Longleaf Stewardship Fund, the grants are expected to generate more than \$7 million in matching contributions for a total conservation impact of \$12.5 million. The grants will support conservation work in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia. A complete list of the 2017 grants made through the Longleaf Stewardship Fund is available [here](#). Now in its sixth year, the fund represents a landmark public-private partnership that includes the U.S. Department of Agriculture's Natural Resources Conservation Service, U.S. Forest Service, DOD, FWS, and private funding from Southern Company, International Paper's Forestland Stewards partnership, Altria Group, American Forest Foundation's Southern Woods for At-Risk Wildlife Initiative, and Louis Bacon's Orton Foundation.

**DESIGNATION OF CRITICAL HABITAT FOR ATLANTIC STURGEON.** NMFS has issued a final rule designating critical habitat for the Atlantic sturgeon ([82 FR 39160](#)). The designation includes five distinct population segments (DPS) of Atlantic sturgeon: (1) threatened Gulf of Maine DPS; (2) endangered New York Bight DPS; (3) endangered Chesapeake Bay DPS; (4) endangered Carolina DPS; and (5) endangered South Atlantic DPS. The habitat consists of designated river and stream miles, rather than estuaries or bays. Maps and other information are available [here](#). The final rule becomes effective on 18 SEP 17.

**INITIATION OF ESA STATUS REVIEW FOR ALEWIFE AND BLUEBACK HERRING UNDER .** NMFS has initiated a new status review of [alewife](#) (*Alosa pseudoharengus*) and [blueback herring](#) (*Alosa aestivalis*) to determine whether listing either species as endangered or threatened under ESA is warranted ([82 FR 38672](#)). The historical distribution of the species is throughout the Atlantic seaboard, from Newfoundland to the St. Johns River, Florida. A comprehensive status review must be based on the best scientific and commercial data available at the time of the review. Therefore, NMFS has requested information on alewife and blueback herring that has become available since the listing determination in 2013. Comments are due by 16 OCT 17.

## ***SUSTAINABILITY***

**SUSTAINABLE MOBILE PHONES.** The Green Electronics Council, a non-profit nongovernmental organization, [launched](#) an Electronic Product Environmental Assessment Tool category for sustainably designed and produced mobile phones. EO [13963](#) requires federal procurement preference for environmentally sustainable electronic products. Registered products may be found [here](#).

## ***TOXICS***

**TSCA INVENTORY NOTIFICATION REQUIREMENTS.** EPA has issued a final rule to establish a retrospective electronic notification of chemical substances on the Toxic Substances Control Act (TSCA) Inventory ([82 FR 37520](#)). This notification covers chemicals that were manufactured (including imported) for nonexempt commercial purposes during the 10-year period ending on 21 JUN 16, with provision to also allow notification by processors. EPA is required by the 2016 TSCA amendments to designate chemical substances on the TSCA Chemical Substance Inventory as either active or inactive in U.S. commerce. EPA will use the newly established notifications to distinguish active substances from inactive substances. The final rule also establishes procedures regarding the manner in which such retrospective and forward-looking activity notifications must be submitted, the details of the notification requirements, exemptions from such requirements, and procedures for handling claims of confidentiality. The final rule became effective on 11 AUG 17.

**ADOPTION OF 2017 NAICS CODES FOR TOXICS RELEASE INVENTORY REPORTING.** EPA has issued a direct final rule updating the list of North American Industry Classification System (NAICS) codes subject to reporting under the Toxics Release Inventory (TRI) to reflect the OMB 2017 NAICS code revision ([82 FR 39038](#)). Facilities will be required to use 2017 NAICS codes beginning with TRI reporting forms that are due on 1 JUL 18, covering releases and other waste management quantities for the 2017 calendar year. EPA has also modified the list of exceptions and limitations associated with NAICS codes in the Code of Federal Regulations for TRI reporting purposes by deleting the descriptive text. Barring adverse comment the direct final rule becomes effective on 15 NOV 17.

**HALOACETIC ACIDS RECOMMENDED FOR CLASSIFICATION AS CARCINOGENS.** The National Toxicology Program [recommended](#) that six haloacetic acids (HAAs) be classified in the [Report on Carcinogens](#) as reasonably anticipated to be carcinogens. HAAs are byproducts created when chlorine, chloramine, or chlorine dioxide are used to disinfect drinking water. The report will help EPA assess the effects of those byproducts on human health and determine whether drinking water regulations should be updated. Currently, the EPA Office of Water regulates the levels of five HAAs and some trihalomethanes in public drinking water.

**NANOTECHNOLOGY REPORTING RULE GUIDANCE.** EPA issued [guidance materials](#) for the recently-issued TSCA section 8(a) [Nanotechnology Reporting and Recordkeeping Requirements Rule](#), which became effective in August. The rule establishes one-time reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale. The guidance reflects input received on earlier draft guidance and provides answers to questions EPA received from manufacturers (including importers) and processors of certain chemical substances when they are manufactured or processed at the nanoscale, as described in the final rule. EPA intends to update the guidance based on new questions and input. A copy of the Working Guidance on EPA's Section 8(a) Information Gathering Rule on Nanomaterials in Commerce is available [here](#).

**PETITION TO BAN PRODUCTS CONTAINING ORGANOHALOGEN FLAME RETARDANTS.** The Consumer Product Safety Commission announced an opportunity to comment on a [2015 petition](#) requesting that the commission initiate rulemaking under the Federal Hazardous Substances Act to declare several categories of products containing additive organohalogen flame retardants to be "banned hazardous substances" ([82 FR 36705](#)). The commission is accepting oral comment on the petition at its 14 SEP 17 meeting.

## ***WATER***

**EXTENSION OF COMMENT PERIOD—DEFINITION OF WATERS OF THE UNITED STATES.** The U.S. Army Corps of Engineers and EPA have issued a proposed rule extending the comment period for the previously issued proposed rule "[Definition of 'Waters of the United States'—Recodification of Pre-existing Rules](#)" ([82 FR 39712](#)). The agencies are extending the comment period for 30 days in response to stakeholder requests for an extension. Comments are due by 27 SEP 17.

**CWA METHODS UPDATE RULE FOR ANALYSIS OF EFFLUENT.** EPA has issued a final rule that modifies the testing procedures approved for analysis and sampling under the Clean Water Act (CWA) ([82 FR 40836](#)). The changes adopted in the final

rule fall into the following categories: (1) new and revised EPA methods (including new and/or revised methods published by voluntary consensus standard bodies, such as ASTM International and the Standard Methods Committee); (2) updated versions of currently approved methods; (3) methods reviewed under the alternate test procedures (ATP) program; (4) clarifications to the procedures for EPA approval of nationwide and limited use ATPs; and (5) amendments to the procedure for determination of the method detection limit to address laboratory contamination and to better account for intra-laboratory variability. The final rule becomes effective on 27 SEP 17.

**WATER MANAGEMENT PROGRAMS TO REDUCE GROWTH AND TRANSMISSION OF LEGIONELLA.** The Centers for Disease Control and Prevention (CDC) has requested information on water management programs intended to reduce Legionella growth and transmission in buildings at increased risk ([82 FR 39439](#)). Information gathered should also inform CDC efforts to prevent disease due to other opportunistic waterborne pathogens (e.g., Pseudomonas, Acinetobacter, Burkholderia, Stenotrophomonas, nontuberculous mycobacteria, various species of fungi, and Naegleria). Legionnaires disease, a severe, sometimes fatal pneumonia, can occur in persons who inhale aerosolized droplets of water contaminated with the bacterium Legionella. CDC has developed a toolkit, *Developing a Water Management Program to Reduce Legionella Growth & Spread in Buildings: A Practical Guide to Implementing Industry Standards*, available [here](#).

**WATERSENSE REPORT.** According to a [report](#) from EPA's Office of Inspector General (OIG), consumers have saved more than 1.5 trillion gallons of water through the use of WaterSense-labeled products. The report indicates that consumers have saved an estimated \$1,100 for every federal dollar spent on the program. OIG found that EPA's WaterSense program demonstrated adequate controls for ensuring that its estimated water and energy savings were reasonable. The program established goals, measured performance, and established controls for reducing program risk. The report recommends that EPA share WaterSense program management practices, evaluate the appropriateness of adopting water savings as a program measure, implement controls for partners to periodically reconfirm their commitment to the program, and revise annual partner reporting. EPA agreed with OIG recommendations and provided corrective actions and compliance dates.

## **WASTE**

**COAL COMBUSTION RESIDUALS STATE PERMIT PROGRAM GUIDANCE.** In August, EPA released the interim final [guidance document](#) for Coal Combustion Residuals State Permit Programs. The guidance is intended to be used by states to develop their State Coal Combustion Residuals Permit program for EPA approval. According to EPA, the guidance is a living document that may be revised periodically. The agency welcomes comment at any time.

# **Department of Defense Activity**

**DOD ENERGY POLICY.** DOD updated and re-issued [DOD Directive \(DODD\) 4180.01](#), DOD Energy Policy. The directive establishes it is DOD policy to enhance military capability, improve energy security and resilience, and mitigate costs in its use and management of energy.

**RECOVERED CHEMICAL WARFARE MATERIAL.** DOD updated and re-issued [DODD 5101.17E](#), Roles and Responsibilities Associated with the Recovery of Chemical Warfare Material (CWM). The DODD applies to situations involving:

- Munitions and certain materials of interest, as defined in this issuance, that contain an unknown liquid fill and are recovered within or outside the U.S.;
- CWM of U.S. origin recovered outside of the U.S.;
- CWM of U.S. origin recovered within the U.S. (e.g., munitions response, explosives or munitions emergencies, range clearance); and
- CWM not of U.S. origin recovered within or outside the U.S.

**EMERGING CONTAMINANTS.** DOD's Chemical and Material Risk Management (CMRM) Program evaluated eight chemicals for placement on the DOD Emerging Contaminant (EC) Watch List or Action List. The CMRM Program's evaluation of the eight chemicals considered input from each of the Service's TSCA points of contact and their evaluation of conditions of use for each chemical. The program also considered other sources of information including the DOD's purchase and use of the chemical; regulatory activity under the European Union's Registration, Evaluation, Authorisation, and Restriction of Chemicals Regulation; identification under the National Aerospace Standard 411, Hazardous Materials Management Program; and the status of the chemical in existing EPA regulatory programs (e.g., the CAA and the Safe Drinking Water Act). The evaluation concluded that four of the eight chemicals warrant placement on the EC Watch List due to specific DOD use and EPA regulatory triggers. Four do not warrant additional evaluation due to absence of use by the DOD. The four chemicals added to the Watch List in July are:

- Tetrachloroethylene (CASRN 127-18-4)
- Carbon tetrachloride (CASRN 56-23-5)
- Asbestos (CASRN 1332-21-4)
- Tris (4-isopropylphenyl) phosphate (CASRN 68937-41-7)

To learn more about the CMRM program, click [here](#).

**DOE FEDERAL ENERGY AND WATER MANAGEMENT AWARDS.** Eight U.S. Army units, groups, and agencies have been selected to receive the DOE [2017 Federal Energy and Water Management Awards](#). The awards recognize individuals, groups, and agencies for their outstanding contributions in energy efficiency, water conservation, and the use of advanced and renewable energy technologies at federal facilities. The awardees are:

- Career Exceptional Service Award—Paul G. Wirt, U.S. Army Reserve, Fort Belvoir, Virginia;
- Laboratory/Data Center Award—Thomas Abele, Robert D. Dyrdek, John Graffanti, Mark Richerson, Patrick A. Walsh, U.S. Department of the Army, Fort Knox, Kentucky;
- Program Awards:
  - Headquarters, U.S. Army Installation Management Command, Washington, DC;
  - Terry Banks, Benjamin McBride, Sergio Sergi, Roderick T. Smith, U.S. Army Garrison Fort A.P. Hill, Virginia;
  - Jared Corsi, Bryan Morris, Benjamin Spiker, Maria Christina Vicari, Paul G. Wirt, U.S. Army Reserve, 9th Mission Support Command, Honolulu, Hawaii;
  - Muhammed A. Bari, Sandra Key, Scott Taylor, Christopher Woodruff, U.S. Army, Installation Management Command, National Training Center, Fort Irwin, California;
- Project Awards:
  - CW3 Michael R. Brotherton, U.S. Army Central Command, Shaw Air Force Base, South Carolina; and
  - Dan Finklea, Gary George, Tom Harris, Jay H. Tulley, John Wallingford, U.S. Army Garrison Presidio of Monterey, California.

A formal award ceremony will be held at the National Archives in Washington D.C. in November.

**ARMY 2017 ENERGY AND WATER MANAGEMENT AWARDS.** The Secretary of the Army Energy and Water Management Awards Program was established in 1979 to recognize installations, small groups, and individuals who make significant achievements in energy conservation and water management in support of Army readiness. In August, the Army awarded 13 recipients with the [2017 Secretary of the Army Energy and Water Management Awards](#). This year's award recipients were individuals and organizations who made significant contributions to energy and water efficiency. By category, the recipients are:

- Energy—Fort A.P. Hill and U.S. Army Garrison (USAG) Daegu;
- Water Conservation—Fort Irwin, Fort McCoy, and Sierra Army Depot;
- Innovation and New Technology—Aberdeen Proving Ground and Maine Army National Guard;
- Energy Program Effectiveness—Fort Carson, Presidio of Monterrey, and USAG Hawaii; and
- Individual Exceptional Performance—Jack Porter, Jr., Fort Huachuca; Michael Haltiner, South Dakota Army National Guard; and Thomas Raffello, USAG Italy.

# Professional Development

## *DOD TRAINING SOURCES*

**US ARMY CORPS OF ENGINEERS PROSPECT TRAINING (CLASSROOM).** USACE announces course availability for the FY18 PROSPECT (i.e., [Proponent-Sponsored Engineer Corps Training](#)) program. Courses are open to federal, state, county, and city employees and contractors. There are different registration processes for each entity. Please refer to the [course catalog](#) and list of classes and [schedule](#) for details. Environmental courses include, but are not limited to:

- CERCLA/RCRA Process (Course Control Number (CCN) [356](#))
- Environmental Laws and Regulations (CCN [170](#))
- Environmental Regulations Practical Application Course (CCN [398](#))
- Environmental Remediation Technologies (CCN [395](#))
- Hazardous Waste Manifesting/DOT Certification (CCN [223](#))
- Hazardous Waste Manifesting 16-Hour DOT Recertification Course (CCN [429](#))
- Hazardous/Toxic and Radioactive Waste Construction Inspection (CCN 141)
- Radioactive Waste Transport (CCN [441](#))
- The Complete RCRA Course (Hazardous Waste Generation, Management, and Corrective Action) (CCN [226](#))

**NAVY CIVIL ENGINEER CORPS OFFICERS SCHOOL TRAINING.** The [Navy Civil Engineer Corps Officers School](#) (CECOS) offers training on environmental management, pollution prevention, environmental compliance, environmental conservation and planning, and environmental restoration. Energy course offerings include Leadership in Energy and Environmental Design, Energy Information Administration, and Energy Technology Information. Click [here](#) for information on course offerings and times. Courses offered by CECOS are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

**AIR FORCE CIVIL ENGINEERING SCHOOL TRAINING.** The [Air Force Civil Engineer School](#) offers a variety of environmental management courses and seminars, including ISEERB offerings. Courses offered by the Civil Engineer School are available to all military and civilian employees of the U.S. government, free of charge. Travel costs are borne by the student.

**DEFENSE AND FEDERAL ENVIRONMENTAL TRAINING/AWARENESS.** The Army offers numerous environmental training courses (classroom and online). Explore training opportunities on the U.S. Army Environmental Command [website](#), which has links to training provided by DOD organizations.

**REPI WEBINAR SERIES (ONLINE).** DOD's Readiness and Environmental Protection Integration (REPI) program offers [webinars](#) on best practices, tutorials, and knowledge sharing on partnerships that support the military mission and accelerate the pace and rate of land conservation. Archived webinars are available [on demand](#). Upcoming webinars include:

- 8 NOV 17: [Stakeholder Engagement 101: Building and Expanding Your REPI Partnership](#)
- 13 DEC 17: [REPI and Water](#)
- 31 JAN 18: [Can You Hear Me Now? Addressing Noise Impacts in Your REPI Partnership](#)

**SERDP AND ESTCP WEBINAR SERIES (ONLINE).** The DOD environmental research and development funding programs ([SERDP and ESTCP](#)) launched a [webinar series](#) to promote the transfer of innovative, cost-effective and sustainable solutions developed using SERDP and ESTCP funding. Live webinars are offered every two weeks on Thursdays from 12:00 p.m. Eastern for 90 minutes. Most webinars feature two 30-minute presentations and interactive question and answer sessions on topics targeted for DOD and Department of Energy audiences. Prior presentations are archived for viewing any time.

## ***FEDERAL TRAINING SOURCES***

**RESTORATION WEBINAR SERIES (ONLINE).** This webinar series is produced by a partnership between the National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service. To receive an email notification when registration for each webinar opens, please send your email address to [jennifer\\_ryan@fws.gov](mailto:jennifer_ryan@fws.gov). Also, you may click [here](#) to access the Restoration Webinar Series recording archive.

- 28 SEP 17: Overview of SER's New Certified Ecological Restoration Practitioner Program.
- 12 OCT 17: Restoring an Urban River: The Acushnet Sawmill Ecological Restoration Project.
- 30 NOV 17: Restoration of Shad and Anadromous Fish to the White Clay Creek National Wild and Scenic River in Delaware.
- 7 DEC 17: Upper Arkansas River Instream Habitat Restoration Project: How Can Monitoring Be Used to Inform Adaptive Management?
- 25 JAN 18: Decision Support Tools and a Framework for Climate-smart Restoration.

**FEDERAL FACILITIES ENVIRONMENTAL STEWARDSHIP AND COMPLIANCE ASSISTANCE CENTER (ONLINE).** [FedCenter.gov](#) is the federal government's home for comprehensive environmental stewardship, compliance assistance, and professional development information. FedCenter.gov provides a wide variety of information, such as:

- Program development (e.g., environmental management systems, green procurement program);
- Federal and state regulatory requirements for various facility activities;
- Access to [environmental assistance](#);
- Access to free, [FedCenter-sponsored courses](#)
- Applicable laws and Executive Orders; and
- [Partnerships](#).

FedCenter also provides member assistance services such as collaboration tools for workgroups, environmental reporting tools, and daily newsletter and subscription services.

**BIOBASED PRODUCT TRAINING SERIES (ONLINE).** The U.S. Department of Agriculture (USDA) offers a series of [on-demand training modules](#) about biobased products and the BioPreferred® Program:

- [Fundamentals: Biobased Products and the BioPreferred® Program](#)
- [Sustainable Acquisition: Biobased Requirements in the New Executive Order 13693](#)
- [Contracting Officer Role in Contractor Reporting of Biobased Product Purchases](#)
- [BioPreferred® Training for USDA Acquisition Community](#)
- [From Awareness to Action: The BioPreferred® Federal Procurement Preference Program](#)
- [Products in Operations, Maintenance, and Cleaning](#)

**GUIDING PRINCIPLES FOR SUSTAINABLE FEDERAL BUILDINGS (ONLINE).** This training series from the Federal Energy Management Program (FEMP) provides updated guidance for complying with the 2016 Guiding Principles for Sustainable Federal Buildings. The series consists of five on-demand courses:

- [2016 Guiding Principle I: Employ Integrated Design Principles and Introduction](#)
- [2016 Guiding Principle II: Optimize Energy Performance](#)
- [2016 Guiding Principle III: Protect and Conserve Water](#)
- [2016 Guiding Principle IV: Enhance Indoor Environmental Quality](#)
- [2016 Guiding Principle V: Reduce Environmental Impact of Materials and Guiding Principle VI - Assess and Consider Climate Change Risks](#)

**EPA SUSTAINABLE MATERIALS MANAGEMENT ACADEMY (ONLINE).** Learn about key issues, successful projects, and a variety of best management practices for creating waste management programs, from the series of [live and archived webinars](#). Building on the familiar concept of [Reduce, Reuse, Recycle](#), sustainable materials management is a systemic approach that seeks to reduce materials use and their associated environmental impacts over their entire life cycle, starting with extraction of natural resources and product design and ending with decisions on recycling or final disposal. The format is a formal presentation followed by a question and answer session.

**SUSTAINABLE ACQUISITION FOR FEDERAL AGENCIES (ONLINE).** The two-hour [course](#) provides staff involved in specifying and purchasing with a thorough introduction to compliance requirements, processes, and tools for procuring sustainable products and services. Participants will receive specific guidance in how to meet executive order and Federal Acquisition Regulation requirements and understand how sustainable acquisition benefits their agency, community, and the environment.

**SUSTAINABLE ACQUISITION TRAINING RESOURCES (ONLINE).** The interagency federal Sustainable Acquisition & Materials Management Practices Workgroup compiled a [spreadsheet](#) of sustainable acquisition training resources developed or hosted by federal agencies that are available to government employees, businesses, and non-governmental organizations.

**FEMP eTRAINING COURSES (ONLINE).** FEMP offers interactive, [eTraining courses](#) to help federal agencies develop core competencies and comply with energy-efficiency and renewable-energy water-management and sustainability requirements. FEMP is partnering with the National Institute of Building Sciences' Whole Building Design Guide to host these comprehensive, FEMP-developed eTraining courses. [Promotional materials](#) are available to help federal agencies encourage the completion of FEMP's eTraining courses.

**ENERGY STAR (ONLINE).** EPA's [Energy Star program](#) helps identify and promote energy efficiency in products, homes, and buildings. EPA hosts a [webinar series](#) that covers a range of topics, from how to benchmark in Portfolio Manager to financing energy efficiency improvements to how to engage building occupants.

**INTEGRATED SOLAR POWER & ENERGY STORAGE SOLUTIONS (ONLINE).** This [webinar](#) is focused on how public and private sector organizations can benefit from an integrated solar and energy storage solution, resulting in increased savings of 20-50 percent on joint installations. Webinar participants will learn about the basics of commercial rate payer structures for energy use and how combined installations of solar and storage relate; how climate action plans and energy management objectives can be met with a combined installation; and financial incentive programs available to boost savings and generate revenues.

**ITRC TRAINING (ONLINE).** The Interstate Technology and Regulatory Council (ITRC) is a state-led coalition working with federal partners, industry, academia, and stakeholders to achieve regulatory acceptance of environmental technologies. In conjunction with EPA's Technology Innovation and Field Services Division, ITRC delivers [training courses](#) to reach a geographically dispersed audience of regulators, consultants, and other members of the environmental community. The training sessions last approximately two hours, cover technical and regulatory information specific to

environmental technologies and innovative approaches, and are supported by consensus-based ITRC guidance documents.

**GENERAL CONFORMITY TRAINING MODULES (ONLINE).** The General Conformity Rule ensures that the actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's plans to meet national standards for air quality. EPA's [online training conformity training program](#) covers all aspects of the rule and is divided into four modules.

**WATER MANAGEMENT BASICS (ONLINE).** This FEMP [online course](#) provides a concise introduction to comprehensive water management, to include key topic areas of basic water management terminology, history of federal water mandates, current Executive Order 13693 provisions, best practices associated with comprehensive water management, and proven water conservation financing mechanisms and strategies. The three-module course offers a thorough overview of water management in the federal context:

- Module One: Introduction to Federal Water Management
- Module Two: Introduction to Comprehensive Water Management
- Module Three: Financing and Launching Water Management Projects

**CLIMATE CHANGE SCIENCE AND MANAGEMENT WEBINAR SERIES (ONLINE).** This U.S. Geological Survey [webinar series](#) was developed to inform scientists, land managers, and the public about potential and predicted climate change impacts on fish and wildlife and to help guide resource management decisions across the United States. Video recordings with closed captioning are made available one to two weeks after each presentation.

# Staff Directory

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## How the Regional Offices Work for You

**The Army Regional Environmental and Energy Offices' close cooperation between the military and regional policymakers helps to resolve issues *before* they become laws and regulations.**

The REEOs monitor proposed state environmental and energy laws and regulations for impacts to installation missions. When legislation or a regulation important to the Army or DOD is being developed, REEOs work with the other military Services to assure that DOD and Services' interests are represented.

To comment on items in the *Southern Review*, please contact the Regional Environmental Coordinator listed at the top of page two.

To be added to the *Southern Review* distribution list, email the [Regulatory Affairs Specialist](#).

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